

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 05, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RYAN SCOTT ADAMS,

Plaintiff,

v.

ROBERT JACKSON, C/O PIERSON,

RS HIEDI GRIFFITH, RS

MICHELLE GULLON, JASON

MARTIN, ALFREDO LOMELI,

JASON RICHER, ROBERTO

MENDIOLA, CC3 CHRISTOPHER

ALANIZ, SGT REHBURG, C/O

TYLER JADIN, SGT

BIDDESOMBE, C/O LINDA

GOMEZ-SALAZAR, DHO REINO,

DHO MORENO, SGT JOHN DOE

#4, CHARLES ANDERSON, and

MICHAEL HATHAWAY,

Defendants.

No. 4:24-CV-05041-SAB

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

1 Before the Court is Plaintiff's Motion for Reconsideration. ECF No. 21.  
2 Plaintiff, an individual currently incarcerated at the Washington State Penitentiary,  
3 is proceeding *pro se* and *in forma pauperis*. The Court did not direct that  
4 Defendants be served in this action.

5 By Order filed October 3, 2024, the Court dismissed Plaintiff's Third  
6 Amended Complaint for failure to state a claim upon which relief may be granted,  
7 but without prejudice to Plaintiff filing a new and separate action against newly  
8 added Defendants involving allegations that occurred after he filed his initial  
9 complaint on April 19, 2024. *See* ECF No. 19. The Court denied Plaintiff's request  
10 for a temporary restraining order. *Id.* Judgment was entered the same day. ECF  
11 No. 20.

12 On October 25, 2024, Plaintiff filed the instant Motion for Reconsideration,  
13 asking the Court to reconsider the dismissal of his action. ECF No. 21. For the  
14 reasons set forth below, the motion is denied.

### 15 MOTION FOR RECONSIDERATION

16 A motion for reconsideration may be reviewed under either Federal Rule of  
17 Civil Procedure Rule 59(e) (motion to alter or amend a judgment) or Rule 60(b)  
18 (relief from judgment). *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5  
19 F.3d 1255, 1262 (9th Cir. 1993). "A district court may properly reconsider its  
20 decision if it '(1) is presented with newly discovered evidence, (2) committed clear  
21 error or the initial decision was manifestly unjust, or (3) if there is an intervening  
22 change in controlling law.'" *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th  
23 Cir. 2013) (*quoting School Dist. No. 1J, Multnomah Cnty., Or.*, 5 F.3d at 1263).  
24 "There may also be other, highly unusual, circumstances warranting  
25 reconsideration." *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263.

26 A motion for reconsideration is not appropriate if used to revisit issues  
27 already addressed by the Court or to advance new arguments that could have been  
28 raised in prior briefing. *American Ironworks & Erectors, Inc. v. N. Am. Const.*

1 *Corp.*, 248 F.3d 892, 898–99 (9th Cir. 2001). Having liberally construed Plaintiff's  
2 submissions, the Court finds that he has presented no new facts, information, or  
3 newly discovered evidence for the Court to consider in evaluating his request.  
4 *School Dist. No. 1J Multnomah Cnty., Or.*, 5 F.3d at 1263. Plaintiff has not shown  
5 the Court committed clear error or that the dismissal of this action was manifestly  
6 unjust. There has been no intervening change in controlling law or any other  
7 circumstances warranting reconsideration. *Id.* The failure to follow prison policy  
8 does not establish a constitutional violation. *See Cousins v. Lockyer*, 568 F.3d  
9 1063, 1070 (9th Cir. 2009).

10 Accordingly, **IT IS HEREBY ORDERED:**

11 1. Plaintiff's Motion for Reconsideration, **ECF No. 21**, is **DENIED**.

12 2. The Court certifies that any appeal of this decision would not be taken  
13 in good faith.

14 3. The file shall remain **CLOSED**.

15 **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this  
16 Order and provide a copy to Plaintiff.

17 DATED this 5th day of December 2024.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

24 Stanley A. Bastian  
25 Chief United States District Judge  
26  
27  
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